

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 807**

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**Introduced by Assembly Member Ammiano**

February 21, 2013

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An act to amend ~~Section 1202.7~~ *Sections 13010.5, 13012, and 13012.5* of the Penal Code, relating to ~~probation~~ *criminal justice statistics*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Ammiano. ~~Probation services~~. *Criminal justice statistics*.

*Existing law requires the Department of Justice to collect specified criminal justice information from local law enforcement agencies, to tabulate, analyze, and interpret the collected data, and to prepare an annual report presenting the criminal justice statistics for the previous year.*

*This bill would require the Department of Justice to include in the annual report additional statistical information relating to complaints received by law enforcement agencies, as specified, and criminal convictions of peace officers. The bill would also make technical, nonsubstantive changes.*

~~Existing law makes specified findings relating to the provision of probation services, including the primary considerations in the granting of probation.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 13010.5 of the Penal Code is amended*  
2 *to read:*

3     13010.5. The department shall collect data pertaining to the  
4 juvenile justice system for criminal history and statistical purposes.  
5 This information shall serve to assist the department in complying  
6 with the reporting requirement of ~~subdivisions (c) and (d)~~  
7 *paragraphs (3) and (4) of subdivision (a)* of Section 13012,  
8 measuring the extent of juvenile delinquency, determining the  
9 need for and effectiveness of relevant legislation, and identifying  
10 long-term trends in juvenile delinquency. Any data collected  
11 pursuant to this section may include criminal history information  
12 which may be used by the department to comply with the  
13 requirements of Section 602.5 of the Welfare and Institutions Code.

14     *SEC. 2. Section 13012 of the Penal Code is amended to read:*

15     13012. (a) The annual report of the department provided for  
16 in Section 13010 shall contain statistics showing all of the  
17 following:

18     ~~(a)~~

19     (1) The amount and the types of offenses known to the public  
20 authorities.

21     ~~(b)~~

22     (2) The personal and social characteristics of criminals and  
23 delinquents.

24     ~~(c)~~

25     (3) The administrative actions taken by law enforcement,  
26 judicial, penal, and correctional agencies or institutions, including  
27 those in the juvenile justice system, in dealing with criminals or  
28 delinquents.

29     ~~(d)~~

30     (4) The administrative actions taken by law enforcement,  
31 prosecutorial, judicial, penal, and correctional agencies, including  
32 those in the juvenile justice system, in dealing with minors who  
33 are the subject of a petition or hearing in the juvenile court to  
34 transfer their case to the jurisdiction of an adult criminal court or  
35 whose cases are directly filed or otherwise initiated in an adult  
36 criminal court.

37     ~~(e) The number of citizens' complaints received by law~~  
38 ~~enforcement agencies under Section 832.5. These statistics shall~~

1 indicate the total number of these complaints, the number alleging  
2 criminal conduct of either a felony or misdemeanor, and the  
3 number sustained in each category. The report shall not contain a  
4 reference to any individual agency but shall be by gross numbers  
5 only.

6 (5) (A) *The total number of each of the following:*

7 (i) *Citizen's complaints received by law enforcement agencies*  
8 *under Section 832.5.*

9 (ii) *Complaints received by law enforcement agencies against*  
10 *the personnel of a department or agency that employs peace*  
11 *officers that are made by that personnel's supervisor or by the*  
12 *personnel of another department or agency that employs peace*  
13 *officers.*

14 (iii) *Complaints received by law enforcement agencies against*  
15 *the personnel of a department or agency that employs peace*  
16 *officers in which the identity of the complainant is unknown.*

17 (B) *The department shall categorize each complaint into one*  
18 *of the categories identified in clauses (i) to (ix), inclusive, and*  
19 *report the number of complaints received by law enforcement*  
20 *agencies within each of those categories.*

21 (i) *"Excessive force," which means a complaint regarding the*  
22 *use or threatened use of excessive force against a person.*

23 (ii) *"Improper arrest," which means a complaint that the*  
24 *restraint of a person's liberty was improper or unjust, or violated*  
25 *the person's civil liberties.*

26 (iii) *"Improper entry," which means a complaint that the entry*  
27 *into a building or onto property was improper or that excessive*  
28 *force was used against property to gain entrance into a building*  
29 *or onto property.*

30 (iv) *"Improper search," which means a complaint that the*  
31 *search of a person or property was improper.*

32 (v) *"Other criminal violation," which means a complaint*  
33 *regarding the commission of an illegal act not otherwise specified.*

34 (vi) *"Differential treatment," which means a complaint that the*  
35 *taking, failure to take, or method of police action was predicated*  
36 *upon irrelevant factors, including, but not limited to, race,*  
37 *appearance, age, or sex.*

38 (vii) *"Demeanor," which means a complaint that the personnel's*  
39 *bearing, gestures, language, or other characteristics or actions*  
40 *were inappropriate.*

1 (viii) “Other rule violation,” which means a complaint for  
2 conduct that violates agency rules, but that is not encompassed in  
3 a category specified in clauses (i) to (vii), inclusive.

4 (C) The statistics required to be reported pursuant to this  
5 paragraph shall indicate, within each category of complaint  
6 identified in subparagraph (B), the number of complaints within  
7 each of the following disposition categories:

8 (i) “Sustained,” which means that the investigation disclosed  
9 sufficient evidence to prove the truth of the allegation in the  
10 complaint by a preponderance of the evidence.

11 (ii) “Exonerated,” which means that the investigation clearly  
12 established that the actions of the personnel that formed the basis  
13 of the complaint are not a violation of law or agency policy.

14 (iii) “Not sustained,” which means that the investigation failed  
15 to disclose sufficient evidence to clearly prove or disprove the  
16 allegation in the complaint.

17 (iv) “Unfounded,” which means that the investigation clearly  
18 established that the allegation is not true.

19 (D) The statistics required to be reported pursuant to this  
20 paragraph shall be reported for each individual law enforcement  
21 agency.

22 (6) The total number of felony and misdemeanor convictions  
23 incurred by peace officers for conduct occurring either on- or  
24 off-duty.

25 It

26 (b) It shall be the duty of the department to give adequate  
27 interpretation of the statistics and so to present the information  
28 that it may be of value in guiding the policies of the Legislature  
29 and of those in charge of the apprehension, prosecution, and  
30 treatment of the criminals and delinquents, or concerned with the  
31 prevention of crime and delinquency. The report shall also include  
32 statistics which are comparable with national uniform criminal  
33 statistics published by federal bureaus or departments heretofore  
34 mentioned.

35 SEC. 3. Section 13012.5 of the Penal Code is amended to read:

36 13012.5. (a) The annual report published by the department  
37 under Section 13010 shall, in regard to the contents required by  
38 subdivision (d) of Section 13012, include the following statewide  
39 information:

1 (1) The annual number of fitness hearings held in the juvenile  
2 courts under Section 707 of the Welfare and Institutions Code,  
3 and the outcomes of those hearings including orders to remand to  
4 adult criminal court, cross-referenced with information about the  
5 age, gender, ethnicity, and offense of the minors whose cases are  
6 the subject of those fitness hearings.

7 (2) The annual number of minors whose cases are filed directly  
8 in adult criminal court under Sections 602.5 and 707 of the Welfare  
9 and Institutions Code, cross-referenced with information about the  
10 age, gender, ethnicity, and offense of the minors whose cases are  
11 filed directly to the adult criminal court.

12 (3) The outcomes of cases involving minors who are prosecuted  
13 in adult criminal courts, regardless of how adult court jurisdiction  
14 was initiated, including whether the minor was acquitted or  
15 convicted, or whether the case was dismissed and returned to  
16 juvenile court, including sentencing outcomes, cross-referenced  
17 with the age, gender, ethnicity, and offense of the minors subject  
18 to these court actions.

19 (b) The department's annual report published under Section  
20 13010 shall include the information described in ~~subdivision (d)~~  
21 *paragraph (4) of subdivision (a)* of Section 13012, as further  
22 delineated by this section, beginning with the report due on July  
23 1, 2003, for the preceding calendar year.

24 ~~SECTION 1. Section 1202.7 of the Penal Code is amended to~~  
25 ~~read:~~

26 ~~1202.7. (a) The Legislature finds and declares that the~~  
27 ~~provision of probation services is an essential element in the~~  
28 ~~administration of criminal justice.~~

29 ~~(b) The primary considerations in the granting of probation shall~~  
30 ~~be the safety of the public, which shall be a primary goal through~~  
31 ~~the enforcement of court-ordered conditions of probation; the~~  
32 ~~nature of the offense; the interests of justice, including punishment;~~  
33 ~~reintegration of the offender into the community, and enforcement~~  
34 ~~of conditions of probation; the loss to the victim; and the needs of~~  
35 ~~the defendant.~~

36 ~~(c) It is the intent of the Legislature that efforts be made to~~  
37 ~~engage in treatment persons who are subject to Section 290.011~~  
38 ~~and who are on probation.~~

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